Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1975

No. 75-1433

CHARLES M. ALBRIGHT, Administrator of the Estate of CHARLES ALBRIGHT, deceased,
Petitioner,

v.

R. J. REYNOLDS TOBACCO COMPANY,
a corporation,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

PETITIONER'S REPLY TO BRIEF OF RESPONDENT

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PETITIONER'S REPLY TO RESPONDENT'S BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Respondent, in its Brief in Opposition, continuously asserts that Petitioner did not object to the initial removal of these civil actions to the Federal Court. Respondent continuously asserts that in the First Federal Court Civil Action (No. 65-1155 in the United States District Court for the Western District of Pennsylvania) and in the Praecipes to Reissue Writs in the Court of Common Pleas of

Allegheny County, Pennsylvania, Petitioner claimed an amount exceeding $10,000.00 plus interest and costs. Respondent requests Your Honorable Court to excuse it for removing the two civil actions instituted in State Court because it only had 30 days to do so.

Petitioner fully agrees that it did not object to removal of the two civil actions instituted in State Court, for it appears that removal was proper. Petitioner immediately, however, did everything required of him to have the civil actions remanded to the State Court. Petitioner's argument is that once removed, the civil actions should have been remanded to the State Court.

Furthermore, once the District Judge determined that the civil action initially filed in the Federal Court did not meet the jurisdictional amount requirement for Federal Diversity Jurisdiction, the same District Judge, when considering the identical claim, as agreed by the parties, as appeared in the record, and as was acknowledged by the Court, should have remanded the civil actions to the State Court no matter what value either of the parties placed upon them.

Nothing contained in the Brief for Respondent justifies the change of position of the District Judge, which resulted in an unfair and improper disposition of two civil actions in the Federal Court, which civil actions do not belong in that Court, and which civil actions belong in the State Court for consideration.

Pages 2(b) through 5(b) of the Addendum to Brief for Respondent in Opposition is irrelevant to this matter. At no time did Petitioner allege that his claim was for an amount less than $3,000.00.

WHEREFORE, Petitioner prays that Your Honorable Court issue a Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

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